

CITY COUNCIL MINUTES

June 25, 2012

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, June 25, 2012 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Senior Planner Reg Murray, and Police Officer Victor Pecararo.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Holmes/ Powers/ Unanimously approved

1. Conference with Legal Counsel:

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

A) Pending Litigation:
(G.C. 54956.9(a))

Victoria Connolly, First Amendment Coalition v. City of Auburn, Auburn City Council, Placer County Superior Court Case No. SCV-0031261

B) Existing Litigation:
(G.C. 54956.9(a))

Joseph G. R. Labrie, Auburn City Clerk v. Board of Supervisors for the County of Placer, Jim McCauley, County Clerk-Record-Registrar of Voters (James Earp, Hank Gonzales and California Alliance for Jobs, Real Parties in Interest), Placer County Superior Court Case No. SCV-0030835

2. **Conference with Labor Negotiators:**
(G.C. 54957.6)

Agency Designated Representatives: Robert Richardson, Patrick Clark

Employee Group: Auburn Police Officers Association

REPORT OUT OF CLOSED SESSION

Mayor Hanley reported that the City is still in negotiations on the pending litigation case (1a) and there was no reportable action on the existing litigation case (1b). He reported that instructions were provided the labor negotiators (2); with no other reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Hanley presented a commendation for "The Monteciello Fire Safe Project" team.

Mayor Hanley presented a proclamation for "Think Auburn First Week" to Cheryl Maki.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

Council Member Holmes requested item 8 be removed from the consent calendar.

1. **Appointment of Technology Commissioner**

By **RESOLUTION 12-69**, appoint Randi Swisley to the Auburn Technology Commission.

2. **Appointment of Historic Design Review Commissioner**

By **RESOLUTION 12-70**, appoint Linda Robinson to the Historic Design Review Commission.

3. **Surplus Equipment**

By **RESOLUTION 12-71**, declare as surplus to the City's needs the equipment listed and direct staff to contract with an auctioneer to assist the City in disposal of equipment or properly dispose of items.

4. **Legal Representation in Labrie v. Board of Supervisors (Earp)**

By **MOTION**, ratify the Porter Scott contract for legal representation.

5. **WWTP Groundwater Monitoring – Professional Service Agreement BSK Associates**

By **RESOLUTION 12-72**, authorize the Director of Public Works to execute a contract with BSK Associates to perform groundwater monitoring at the Wastewater Treatment Plant.

6. **Amendment of City Ordinance Governing Claims Against the City – Second Reading**

Waive full reading and adopt an **ORDINANCE 12-02** to amend Section 33.115 of the Auburn Municipal Code regarding claims against the City.

7. **CalPERS Contract Amendment Ordinance – 1959 Survivor Death Benefit Program (Police)**

Waive full reading and adopt an **ORDINANCE 12-03** to amend the contract between the City of Auburn and CalPERS, providing Section 21754 (Forth Level of Survivor Death Benefits) for local police members.

8. **Agreement for Consulting Services – 2013 Housing Element Update & SB 244 Implementation (Pacific Municipal Consultants (PMC))**

Removed from consent calendar, see item 8a.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar, excluding item 8.

MOTION: Nesbitt/ Holmes/ Approved 5:0

Mayor Hanley congratulated Randi Swisley on her appointment to the Technology Commission. Council Member Nesbitt also spoke in favor of the two commission appointments made on the consent calendar.

8a. **Agreement for Consulting Services – 2013 Housing Element Update & SB 244 Implementation (Pacific Municipal Consultants (PMC))**

Senior Planner Reg Murray presented this item.

Council Member Holmes asked about the pending legislation regarding SB244.

City Attorney Michael Colantuono advised how the legislation regarding SB244 could impact the city.

By **RESOLUTION 12-73**, authorize the Community Development Director to execute an agreement for consulting services between the City and PMC to prepare the City of Auburn's 2013 Housing Element Update and SB 244 Implementation (contract not to exceed \$28,230).

MOTION: Holmes/ Nesbitt/ Approved 5:0

9. **Public Comment**

No public comment.

PUBLIC HEARINGS

10. **2012/2013 Sewer Assessment to be Placed on the Placer County Tax Roll**

Transit Analyst Megan Siren presented this item.

Mayor Hanley said he disagrees with the rate increase that was previously approved.

By **RESOLUTION 12-74**, authorize the levy of sewer service charges for Fiscal Year 2012-2013 to be placed on the County of Placer Tax Roll.

MOTION: Nesbitt/ Powers/ Approved 4:1 (Hanley voted no)

11. **Auburn Recreation District (ARD) Request for Changes to the Park Impact Mitigation Fee**

Senior Planner Reg Murray presented this item. He said the current park impact mitigation fee is \$1,073.28 and was last updated in 1993. He said the proposed fee that has been approved by the ARD Board is \$6,849. He said it is the discretion of the Council to set the fee anywhere between the existing fee and the proposed fee indentified by the ARD Board. He reviewed the ability to amend fees by CPI on an annual basis, a rate comparison to Placer County, fee study factors, and fee alternatives.

Council Member questions to staff followed regarding: (1) sphere of influence in regards to Regional Park, (2) fee alternatives, (3) Placer County CPI fee adjustment, (4) definition of "mobile home", and (5) effective date of new fees.

Kahl Muscott, District Administrator at ARD, explained park impact mitigation fees being a one time fee paid when a building permit is pulled. He reviewed existing park inventory and a comparison of area park fees.

Council Member questions to ARD staff followed: (1) future master plan of parks, (2) previous fee increase requests by ARD, (3) park maintenance costs, (4) public pool costs, (5) new parks, (6) fees to be used at existing facilities to increase capacity, (7) mitigation fund balance, (8) total park land within the City, and (9) joint use agreements with schools.

Scott Holbrook, Chair of ARD Board of Directors, spoke about the importance of approving the fee proposed by ARD. He spoke about quality of life in the future in regards to parks. He said at the current fee rate, the parks cannot be maintained to the appropriate level.

Curt Smith, Board of Directors of ARD, spoke in favor of the increased fees. He said the fees are crucial to mitigate the impact of new residents. He spoke about the current heavy usage of all Auburn parks.

Joe Fecko, Administrative Services Manager, spoke about the positive impact for the recreation parks with the proposed fee increase.

Bob Snyder, resident of Auburn, spoke about the lack of a direct benefit to the new residents that would have to pay this fee. He spoke about the need for a payment schedule option for a developer to pay these fees. He suggested a lower more reasonable fee than the one proposed by ARD.

Gordon Ainsleigh, Board of Directors ARD, said a lower park impact fee degrades the level of service for the existing residents. He spoke about land value, area comparisons, and the fee study completed. He spoke in favor of the ARD proposed fee.

Richard Sanborn, resident of Auburn, said the fee increase is justified. He said the fees in the City should match the County fees.

Council Member comments followed: (1) useable park land in the City, (2) alternative fee options, (3) expected new dwellings, (4) needed improvements, (5) over usage of parks, (6) development agreement for Baltimore Ravine project, (7) payment schedule, (8) "per unit" price of housing, (9) MOU with ARD allowing for 50% of mitigation fees to be spent outside of the City, (10) "true ratio of parks to residents", (11)

By **RESOLUTION 12-75**, amend the Park Impact Mitigation Fee to be consistent with the park development impact fees proposed in the *Auburn Recreation District Park Development Impact Fee Nexus Study March 2012* excluding only major facility costs: SFR detached (\$5,108); SFR attached (\$3,474); multi-family (\$3,016); Mobile Home (\$3,882).

MOTION: Nesbitt/Kirby/Approved 3:2 (Hanley and Powers voted no)

COUNCIL BUSINESS

12. **Operating, Debt Service and Capital Project Budget for Fiscal Year 2012-13 – Final Adoption**

Finance Director Andy Heath presented this item. He said the budget was presented at the June 11, 2012 meeting. He said the full budget is available in the City Clerk's office and on the City's website. He said in the last couple weeks two changes have occurred that will impact the budget. He said the CalPERS health premiums increase will be 9.9% as opposed to the 5% originally budgeted. He said the City Clerk's compensation change was also not originally budgeted, and will save the City \$5,000.

Joseph Labrie, City Clerk, said in all of the City's history, the City Clerk compensation has matched the compensation of the entire Council. He said as the City Clerk, he spends more time in the office and at City Council meetings than any other elected City Clerk or the elected City Treasurer. He said he would like the Council to reconsider their action from June 2010 that decreased the City Clerk's compensation.

Council Member Nesbitt spoke about the budgeted funds for the city commissions and committees. He said he would like the Arts Commission budget to be capped at \$7,500 and cap the Economic Development Commission (EDC) at \$6,000. Council Member Kirby said he concurs with these decreases.

Council Member Powers said both the Arts Commission and EDC have been very frugal in the past and are working on projects that benefit the community in various ways. Council Member Holmes spoke in more detail about some of the pending Arts Commission projects and related costs.

Mayor Hanley said he is satisfied with the proposed budgets for committees and commissions as presented.

By **RESOLUTION 12-76**, adopt revenue estimates and expenditure appropriations for all City Funds for fiscal year 2012-13 as summarized in the fund schedules presented with the Fiscal Year 2012-13 Proposed Budget.

By **RESOLUTION 12-77**, establish a General Fund "cash reserve" in the amount of \$2,839,065 as summarized in the General Fund schedule presented with the Fiscal Year 2012-13 Proposed Budget.

MOTION: Holmes/ Kirby/ Approved 5:0

13. **Reconsideration of the City's Temporary Sign Program**

Community Development Director Will Wong presented this item. He said the City's updated sign ordinance will be coming forward soon and will address many of these issues.

Council Member Powers asked for clarification on what types of signage will not be allowed with the new ordinance and the process of noticing the businesses of the changes.

Will Wong addressed the enforcement of the signage ordinance.

Council Member Kirby asked about current complaints coming from the business community.

Richard Sanborn, resident of Auburn, spoke about A-frame signs on the public right of way of the sidewalk. He spoke about signs on public property.

Council Member Nesbitt asked about a façade improvement program that used to be in place.

By **MOTION**, postpone this issue until the City's Updated Sign Ordinance is brought back to Council.

MOTION: Nesbitt/ Powers/ Approved 5:0

REPORTS

14. **City Council Committee Reports**

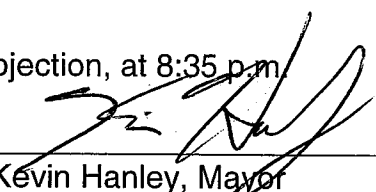
Council Member Nesbitt reported on the Capital Corridor JPA, the process of negotiating with Union Pacific regarding track and station improvements and the extra train to Auburn.

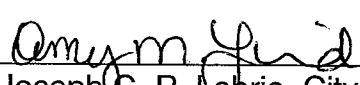
Council Member Powers reported on the Placer County Economic Development Board meeting, the "Thunder in the Sky" event, the 100 mile Endurance Run Event, and she thanked the Public Works Director and Staff for their work on the Auburn Airport Monument Sign.

Council Member Kirby reported on Auburn Movie Night and asked for volunteers. He also reported on the Placer Nevada Wastewater Authority.

ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, at 8:35 p.m.



Kevin Hanley, Mayor

Joseph G. R. Labrie, City Clerk